OAL CHECKLIST GOVERNMENT CODE SECTION 11353 FILINGS

OAL File No	Agency:	
Reviewer:	Due Date:	
(All citations are to the Government Code,	unless otherwise specified.)	
11353 filings are subject to 11349 and 11349.1 (Resubmittal of Returned Filings), of Validity) to extent not inconsistent with 1 regulatory provisions and the administrative REQUIREMENT	11349.5 (Appeal to Governor 1353. 11353(b)(4). OAL sha), 11350.3 (Judicial Declaration all restrict its review to the
1. FORM 400 (1 CCR 6)		
Name of agency set out in AGENCY WIT RULEMAKING AUTHORITY box?	TH	
Subject/topic described in SUBJECT OF REGULATION(S) box?		
TITLE 23 and section number for publicate Clear and Concise Summary listed?	tion of the	
TYPE OF FILING: "Other" filing with "One of the state of	Gov't Code	
RESUBMITTAL FILING ONLY: Previously disapproved regulation resubm 120 days of agency's receipt of decision o disapproval? Or, extension granted by Dir good cause? (11349.4) Resubmittal must Identify prior disapproved or withdrawn for submission? Specify parts of prior file ince into the resubmittal or submit copy of prior returned? 11349.4(c); 1 CCR 84.	f rector for :: ile by date of corporated	
EFFECTIVE DATE: "Effective Other" w Approval (Gov't Code 11353)" specified?	1	
Name of CONTACT PERSON and TELE	EPHONE #?	
SIGNATURE OF AGENCY HEAD OR I Note: Designee must be listed in a signed order in rulemaking file or on file with OA Is it dated?	delegation	

Is the name and title typed?

2. CLEAR AND CONCISE SUMMARY (11353(b)(2)(A))

Clear and Concise Summary of the regulatory provisions attached to original and six copies of Form 400? 1 CCR 6.

- Summary clear?
- Summary concise?
- Summary includes all regulatory provisions adopted or approved?

3. CERTIFICATION (11353(b)(2)(D))

Certification by the chief legal officer of the SWRCB or his or her written delegate that the action was taken in compliance with all applicable procedural requirements of Division 7 (commencing with Section 13000) of the Water Code?

4. ADMINISTRATIVE RECORD

- Administrative record submitted? 11353(b)(2)(B).
- Notice? Water Code 13147, 13244; 40 CFR 25.5(b).
- Text of proposed regulatory provisions made available to the public? Water Code 13147, 13170, 13244, 13245; 40 CFR 25.5. In underline and strikeout? 11353(b)(2)(B).
- Summary of the necessity for the regulatory provisions? 11353(b)(2)(C). (May be in the staff report or other documents.)
- CEQA documents? Public Resources Code 21000, 21080.5; 14 CCR 15000, 15250, 15251, 15252, 15307, 15308; 23 CCR 3775-3781.
- Demonstration of compliance with peer review requirements for scientific portions of regulatory provisions? Health and Safety Code 57004.
- All material relied upon? 11353(b)(2)(B). (Note: may be different than material considered.)
- All comments included? 40 CFR 25.10(a).
- Responses to comments? 11353(b)(4); 40 CFR Part 25.

- Transcript, recording, or other complete record of public hearing(s)? Water Code 13147, 13170, 13244, 13245; 40 CFR 25.5.
- Final text of regulatory provisions adopted by the regional board or the state board in underline and strikeout? 11353(b)(2)(B).

 (The reviewer should make a copy of the full final text of the regulatory provisions as adopted by the regional board or the state board for use in review and inclusion in the OAL working file.)
- Documentation of state board approval of regional water quality control plan provisions adopted by a regional board? Water Code 13245.

5. RESPONSES TO PUBLIC COMMENTS

Responses to public comments must comply with the public participation requirements of the Federal Water Pollution Control Act (33 U.S.C. Sec. 1251 et seq.). 11353(b)(4). Public participation shall be provided for, encouraged and assisted. 33 U.S.C. Sec. 1251(e). State rulemaking under the Clean Water Act is subject to 40 CFR Part 25. 40 CFR 25.1, 25.2(a).

- Has the rulemaking agency summarized the public's views, significant comments, criticisms and suggestions; and set forth the agency's specific responses in terms of modifications of the proposed action or an explanation for rejection of proposals made by the public? 40 CFR 25.8.
- Do the responses demonstrate that the decisionmaking official has considered public viewpoints and preferences? 40 CFR 25.3(b).

6. CUSTOM HISTORY NOTE

Has the OAL reviewer prepared a custom history note appropriate for the 11353 filing for use in the publication of the Clear and Concise Summary in the CCR?

7. SUBSTANTIVE REQUIREMENTS

AUTHORITY (11349(b), 11349.1(a); 1 CCR 14); and **REFERENCE** (11349(e), 11349.1(a); 1 CCR 14)

• Do the regulatory provisions alter, amend, or enlarge power conferred by state statute?

CONSISTENCY (11349(d), 11349.1(a))

 Are the regulatory provisions in harmony with, and not in conflict with or contradictory to, existing statutes, court decisions, or other provisions of law?

CLARITY (11349(c), 11349.1(a); 1 CCR 16)

- Are the regulatory provisions written or displayed so that the meaning of the provisions will be easily understood by those persons directly affected?
- Presumed unclear? See 1 CCR 16.
- Title of a document (including a form) incorporated by reference clearly set out? 1 CCR 20(c)(4). Part of the document incorporated, if appropriate? 1 CCR 20(c)(5).
- Statement in text that document, or part, is incorporated by reference? 1 CCR 20(c)(4).
- Statement in text of revision date (or other specific identifier) of the particular version incorporated? *EXCEPTION*: No date required if authorizing statute requires adoption or enforcement of incorporated provision and any subsequent amendments. 1 CCR 20(c)(4).

NONDUPLICATION

(11349(f), 11349.1(a); 1 CCR 12)

NECESSITY (11349(a), 11349.1(a); 1 CCR 10)

 Does the record of the rulemaking proceeding demonstrate by substantial evidence that each regulatory provision is reasonably necessary to effectuate the purpose of the provision of law it implements, interprets, or makes specific?